

<b>Recommendation: Conditional approval</b>	
<b>20191135</b>	<b>6 SOUTHLAND ROAD</b>
Proposal:	RAISED RIDGE HEIGHT TO CREATE A TWO STOREY PROPERTY; TWO AND SINGLE STOREY EXTENSION AT SIDE AND REAR OF HOUSE; ALTERATIONS (CLASS C3) (AMENDED PLANS RECEIVED 14/01/2020)
Applicant:	MR OUBED MOOSA
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20191135">https://planning.leicester.gov.uk/Planning/Display/20191135</a>
Expiry Date:	25 October 2019
PK	WARD: Knighton



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## Summary

- The application is before committee as objections have been received from more than 6 City addresses;
- a total of 6 objections received concerned with the design and character, impact on traffic and parking and impact on residential amenity,
- the main issues are the principle of development, amenity and privacy, character of local area, parking and sustainable drainage;
- recommended for approval.

## **The Site**

The application site is a detached bungalow situated on a corner plot on the junction of Southland Road and Wimbourne Road in a predominantly residential area of the City. The property is located on a lower land level than the street. Part of the site is within an area prone to surface water flooding (1 in 1000 years).

## **Background**

None

## **The Proposal**

The proposal is for extensions and alterations to the bungalow to create a two storey dwelling. The dwelling would follow the building line of the bungalow (front elevation of the garage) facing Southland Road and would construct a two and single storey side extension (towards Wimbourne Road) to create a dwelling with a total width of 12.9 metres (1.9 metres would be single storey). The depth of the dwelling would remain the same. The height of the bungalow would be increased from approximately 5.1 metres to 7.9 metres.

A single storey front porch would be constructed facing Southland Road. This would measure 2 metres by 1.7 metres with a height of 2.5 metres. The front door on the existing property is at the side, but it is proposed to relocate this to the front elevation facing Southland Road.

At the rear it is proposed to have a central balcony over the single storey rear element. All of the outbuildings within the site would be removed as part of the development.

The external elevations are proposed to be a mix of brickwork and render to match the local area.

Amended plans have been submitted with have significantly reduced the size of the dwelling and also altered the design of the property.

## **Policy Considerations**

### The National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester city Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development. Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

#### Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

#### Supplementary Planning Documents (SPD)

*Residential Amenity* supplementary planning document (2008)

*Local Plan Appendix 1 – Vehicle Parking Standards*

### **Representations**

Letters of objection has been received from 6 City addresses on the original scheme raising the following concerns:

- Impact on residential amenity in terms of privacy, loss of light, overshadowing, overbearing, noise;
- Impact on the character of the area, poor design, overdevelopment of the site and,
- Landscaping details not submitted, parking plan not included and flood alleviation details not provided,
- Impact on traffic and parking.

Following the submission of amended plans, neighbours were not re-consulted.

## **Consideration**

The main issues in this case are: residential amenity of neighbours; character and appearance; parking and sustainable drainage.

### Residential amenity (*neighbouring properties*)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

Section 3 of the Council's *Residential Amenity SPD* (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and of 21 metres between facing principal room windows. It also recommends the provision of a minimum of 100 square metres' amenity space for detached dwellings. Appendix G of the SPD advises a separation distance of 11 metres is recommended between principal room windows and the boundary with any undeveloped land, including neighbouring gardens; that the separation distance between principal room windows may be reduced to 18 metres where direct overlooking is avoided by the positioning of windows, and that a two storey rear extension should not project beyond a 45 degree line from the nearest point of any ground floor principal room window at an adjacent property.

### *4 Southland Road*

The neighbouring property to the north is a two storey dwelling which is situated 1 metres from the common boundary with the application site. The amended plans have reduced the depth of the two storey part of the dwelling which has ensured that the proposed development would not intersect a 45 degree line when taken from principal room windows at no.4. As such I consider the proposal would not result in detriment in respect of daylight to and outlook from principal room windows.

It is recognised that the increased height would result in the property being visible from the rear garden of no.4; however this is common in suburban areas and I do not consider that greater visibility would result in harm. The application site is located to the south of no.4 and therefore the property would cast a shadow on the land between the two properties; however the application site will continue to maintain a distance of approximately 2.5 metres from the common boundary which would ensure the whole garden of no.4 would not be overshadowed as a result of the development.

There are side facing windows proposed in the extended property; however these windows all serve non-principal rooms and therefore I consider it reasonable and necessary to attach a condition securing all of the new windows to be fitted and maintained as obscure glazed. I consider subject to such a condition, the proposal would not result in detriment to the privacy of the adjacent occupiers. The proposed balcony would have a privacy screen on both sides which I consider can be secured by condition to protect the privacy of the adjacent occupiers.

#### *6 Wimbourne Road*

The property at the rear of the application site would be separated by a distance of 18.5 metres and it is located on a higher land level than the application site. The side elevation of the two storey part of the property does not have any side facing windows which would be overlooked by the future occupiers of the property. There is a side facing window on a single storey front extension of the property which is a secondary window serving a study; however this window would be a distance of 26 metres from the balcony and therefore I consider the proposal would not result in detriment to the privacy of the occupiers of 6 Wimbourne Road.

I consider the separation distance between the two properties would ensure there is minimal impact in terms of daylight, outlook, overbearing and overshadowing as a result of the proposed development. Similarly I consider the proposal would not result in any unreasonable levels of noise and disturbance.

#### *General Amenity*

Other properties on both Southland Road and Wimbourne Street are a sufficient distance away from the application site to avoid any significant harm in terms of light, outlook, overshadowing, privacy and overbearing. Likewise I consider the proposal would not result in significant detriment in terms of noise and disturbance to warrant refusal.

I acknowledge that the proposal will no doubt be more visible in the street scene as a result of the proposed development. However I do not consider the proposed dwelling would be any more visible than other two storey dwellings in the street scene. Moreover, the plans indicate that the property would be built on the same level as the bungalow which is on a lower level than the street scene. This would further minimise any visual prominence of the proposed dwelling.

The use of the house as a residential dwelling (Class C3) is acceptable and consistent with other properties in the area. I consider this would not give rise to unacceptable impacts in terms of waste. Similarly as the site is currently in some disrepair, the proposed development of the site would improve the visual amenity of the site and appearance within the street scene.

I am satisfied that there is not a significant risk of crime or reduced safety to neighbouring occupiers as a result of the development. I conclude that the proposal would comply with Core Strategy Policy CS03 and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Character and Appearance

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area.

The proposed dwelling would be larger than the bungalow by virtue of the increased ridge height and width. It would be more prominent in the street scene also by virtue of the rise in the land levels to the south and east. However I do not consider the property would be visually overbearing or detract from the residential street it would sit within. The plot is situated on the corner and benefits from a relatively large garden which can accommodate a two storey dwelling, similar to others on both Southland Road and Wimbourne Road.

Turning to the design of the proposed dwelling, the amended plans have balanced the front elevation facing Southland Road and have reduced the depth of the dwelling by approximately 6 metres. The plans also show greater detailing in the elevations and windows which adds visual interest, but also breaks up the mass of the two storey dwelling, especially on the elevation which faces Wimbourne Road. I consider the amended design provides more detail and also provides a more sympathetic design within the site's context. The use of bay windows to the front would match the original bay window to the side and this is like other properties in the street scene. I consider the revised plans demonstrate a simpler design which would not appear at odds with the local character.

The application form and plans indicate that the external finish materials would match those of the original dwelling. I consider that this is an appropriate material response and can be secured as a condition of planning permission.

I consider the current application represent a scale and form of development that is compatible with the local area in terms of its visual appearance. The proposal would be acceptable on character and design grounds in accordance with paragraphs 127 and 130 of the NPPF and Core Strategy policy CS03.

#### Parking

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location, and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to published parking standards.

The proposed development includes off-street parking for two spaces at the front which is in accordance with our adopted standards. The driveway would not be altered and therefore no further details are required in this respect. Secure and covered cycle

parking can be accommodated in the rear garden similar to other residential properties.

The proposal would be in accordance with Core Strategy Policy CS15 and saved Local Plan Policies AM02 and AM12.

#### Sustainable Drainage

The site is not in a critical drainage area, but a small part of the rear garden is within an area prone to surface water flooding. I consider as an application for householder extensions it would unreasonable and onerous to require the submission of a full sustainable drainage scheme.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) is acceptable in terms of sustainable drainage.

#### Conclusion

The amended proposal would have an acceptable relationship with the neighbouring dwellings and would not have an unacceptable impact upon the character and appearance of the area. The proposal is acceptable in terms of highways and parking and no further drainage details are required.

I therefore recommend that the application be APPROVED subject to the following conditions:

#### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before the commencement of above ground works, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.).
3. Before the occupation of the proposed extension new windows facing 4 Southland Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 4 Southland Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Before the occupation of the proposed extension the screen to both side of the balcony shall be obscure glazing and retained as such. (In the interests of the amenity of occupiers of neighbours and in accordance with policy PS10 of the City of Leicester Local Plan).
5. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 14th January 2020. (For the avoidance of doubt.)

## NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

### **Policies relating to this recommendation**

- 2006\_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.